

REMARKS

Claims 1-12 are rejected under 35 U.S.C. § 103 as being unpatentable over as being unpatentable over Oouchi (5,282,203) in view of Kamo et al. (5,610,918).

Claims 1, 3, 4, 5-7, 9-10 and 12 have been herein amended to more clearly define the invention. Claims 2, 8 and 11 have been cancelled.

The present invention helps to prevent the exceeding of a contract cell rate of the ATM network. The present invention as recited in claims 1, 9, 10 and 12 as amended performs the traffic restrictive process for reducing the quantity of cells arriving at the ATM network from the frame relay network. Reducing cells arriving on the ATM network can help prevent the processing at the time of exceeding the contract cell rate is performed at the ATM network. Thus, one of the features of the present invention as claimed is that the traffic restrictive process includes a process for reducing the quantity of cells arriving on the ATM network at the frame relay network.

Oouchi teaches a packet-rate control method in a packet network and the Examiner relies on Fig. 3 of this reference as showing an arrival rate monitor and also a violation detection unit and a market unit.

It should be noted that Oouchi merely discloses a packet-rate control apparatus performing a cell discarding process according to user-declaring parameters on the ATM network. Oouchi fails to teach or suggest that a process to reduce the quantity of cells arriving on the ATM network is performed at the frame relay network.

Kamo teaches a method for exchanging variable length frames by fixed length cell handling exchange. However there is a substantial difference between the present invention and the Kamo disclosure. As indicated in applicant's remarks set forth in the amendment filed on

July 11, 2003, in col. 22, lines 41-46 Kamo discloses a use requested band to calculate a use virtual band and detecting free band for the subscriber line. Therefore the call admission control taught by the cited reference is based on a requested bandwidth and the available free bandwidth. The free band can be calculated from the sum total of use requested bands and the physical maximum speed of the line (col. 13, lines 46-58).

In contrast applicant's claimed invention recites the measuring of the transmitted data through each channel in addition to the restricting of the traffic corresponding to the level of the traffic restrictive level which is operated concerning each channel. The cited reference does not teach nor suggest the measuring of the transmitted data. The reference only describes detecting a free band. As pointed out the free band can be calculated from the sum total of use requested bands and the physical maximum speed of the line (col. 13, lines 46-58) and is not the same as measuring of the transmitted data through each channel.

Applicant's claim 1 specifically recites: measuring a data quantity transmitted through each channel; operating a traffic restrictive level corresponding to the data quantity of each channel which is measured, per channel, wherein the traffic restrictive level is a level to prevent excess of contract cell rate of the ATM network and has a plurality of levels.

Furthermore, Kamo fails to teach or suggest any means for reducing a quantity of cells arriving on the ATM network on the basis of the data quantity measured on the frame relay network, in order to prevent excess of contract cell rate of the ATM network.

Thus the combination of Oouchi with Kamo teachings would fail to render the present invention as claimed in independent claims 1, 9, 10 and 12 obvious to a skilled artisan.

Regarding the rejection of Claim 3 dependent on claim 1, Oouchi discloses that marked cells having lower-priority class are discarded in response to priority class of cells. However, a

traffic restrictive class, which is recited in Claim 3, is set for each channel, and functions as an element to determine contents of a traffic restrictive process by combination with a traffic restrictive level. Oouchi and Kamo et al. even if combined neither teach nor suggest an element equivalent to the traffic restrictive class. Further, Oouchi and Kamo et al. fail to teach or suggest that the traffic restrictive process corresponding to the traffic restrictive level and the traffic restrictive class is performed.

Regarding the rejection of Claim 4, Oouchi discloses process relating to marked cells. However, Oouchi and Kamo et al. fail to teach or suggest that the traffic restrictive process comprises a process for writing information indicating that congestion have been occurred on the frame relay network to data transmitted through one of the channels, wherein the written information is received by a terminal corresponding to a destination of the data.

Regarding the rejection of Claim 5, also dependent on Claim 1, it should be noted that according to claim 5, since data is discarded on the frame relay network, the quantity of cells arriving at the ATM network is reduced. Neither Oouchi nor Kamo et al. teach or suggest the feature of Claim 5.

According to Claim 6, also dependent on Claim 7, since the message is received by the transmitting terminal corresponding to a source terminal of data, the transmitting terminal may reduce the data quantity to the frame relay network, whereby the quantity of cells arriving on the ATM network through the frame relay network is reduced. Oouchi and Kamo et al. also fail to teach or suggest the feature of Claim 6.

Claim 3-7 depend on Claim 1, and thus include all the limitations of claim 1.

In short it is believed that claims 1, 3, 7, 9-10 and 12 are patentably distinguishable over the art and these claims should be allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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